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Issue Date: 06 January 2006

CASE NO.: 2006-LHC-00004

OWCP NO.: 01-160679

In the Matter of

CLIFFORD GARRETT
Claimant

v.

ELECTRIC BOAT CORPORATION
Employer/Self-Insured

Appearances:

Peter A. Schavone, Esq. Warwick, RI for the Claimant

Edward W. Murphy, Esq., Morrison Mahoney LLP, Boston, MA for the Employer

ORDER GRANTING MOTION FOR SUMMARY DECISION

I. Statement of the Case

This matter involves a claim for compensation benefits under the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C.§901 et seq. (the "Act"). A hearing in the above-captioned matter is set for the week of February 13, 2006 in New London, Connecticut. On December 13, 2005, the Employer, Electric Boat Corporation, filed a motion for summary judgment. On December 22, 2005, the Claimant, Clifford Garrett, filed an objection to the motion. For the reasons set forth below, the motion for summary decision is granted.

II. Findings of Fact and Parties' Arguments

The parties agree on the following facts.[1] The Claimant was hired by Electric Boat as a sheet metal worker on September 26, 1977 and worked there until August 20, 1978. Emp. Mot. at 1-3; Cl. Obj. at 1.[2] After leaving Electric Boat, the Claimant has continued to be employed as a sheet metal worker his entire working life for various employers. Emp. Mot. at 2. Since leaving Electric Boat the Claimant has performed the same tasks he performed in the year he was employed at Electric Boat. *Id.* The Claimant has had extensive use of both hand and power tools over the course of his working life including the use of snips, hammers, pop rivet guns, etc.

The Claimant's physician, Dr. Meyer, and the Employer's expert, Dr. Willets, have both diagnosed mild bilateral carpel tunnel syndrome. Emp. Mot at 2, Exh. A and B; Cl. Obj. at 1, Exh. B. Dr. Willetts also diagnosed osteoarthritis of the hands. Emp. Mot. at 3, Exh. B at 4, 7-8, 10-11. The Claimant told Dr. Meyer in August 2004 that he had had painful hands throughout his working life, but that he began experiencing paresthesias, numbness in the hands, and pain in the ulnar region of both hands over the last 6-7 years. Emp. Mot., Exh. A. Dr. Meyer opined in August 2004 that the Claimant's "work entails forceful and repetitive use of vibratory and power tools, and this, across his work history is, in my opinion responsible for his findings." Emp. Mot., Exh A at 2; Cl. Obj. at 1 and Exh. B at 2. In contrast, Dr. Willetts stated that the Claimant's hand symptoms were not related to his remote work at Electric Boat as the Claimant reported to Dr. Willets that he first began experiencing symptoms four to five years before he saw Dr. Willetts on August 25, 2005. Emp. Mot., Exh. B at 1.

Dr. Meyer determined the Claimant has clinical evidence of mild carpel tunnel syndrome which is not evident on nerve conduction testing. Cl. Obj., Exh. B June 9, 2005. Dr. Meyer stated the Claimant has remained stable over several years and would not require surgery. *Id.* Dr. Meyer has assessed a permanent hand impairment of 5% on the right and 4% on the left based upon the *American Medical Association's Guide to the Evaluation of Permanent Impairment*, 5th Edition ("AMA Guides"). Using the AMA Guides, Dr. Willetts also diagnosed mild carpel tunnel syndrome based on physical findings but noted there was no electrical diagnostic test confirmation. Emp. Mot., Exh. B at 8. He also stated surgery was not indicated. *Id.* Dr. Willetts assessed a 2% permanent impairment of the right hand and a 2% impairment of the left. Emp. Mot. Exh. B at 9-10. The Claimant continues to work out of the union hall as a sheet metal worker. Emp. Mot., Exh. A.

The Employer contends that the Claimant's claim is barred by the statute of limitations in Section 13(a) of the Act as it was not filed within one year after the injury. Emp. Mot. at 3-4. In support of this assertion, the Employer points to the report from Dr. Meyer which notes that the Claimant told him that his "hands have always hurt on the job" from the beginning of his

[1] The Claimant has indicated his agreement with the facts as set forth in the Employer's Motion for Summary Decision noting only that the opinions of the two physicians remain in dispute as to the issue of causation. Cl. Obj. at 1.

[2] The Claimant has neglected to number the pages of the objection he submitted. Therefore, the Court has hand-counted the pages to provide a citation for the Claimant's various arguments.

working life. *Id*., citing Emp. Mot. Exh A at 1. The Employer further notes that Dr. Meyer's report reflects the Claimant's statement that his hand symptoms began approximately six or seven years before he first saw Dr. Meyer in August 2004. *Id*. The Employer argues that these statements are largely consistent with the Claimant's statement to Dr. Willets that his hand symptoms began four or five years before he saw Dr. Willetts in August 2005. Emp. Mot. at 4. Thus, the Employer asserts that the Claimant's claim is barred as he left Electric Boat in 1978, noticed symptoms for many years, or alternatively, first began noticing symptoms five or six years prior to 2004 when he filed his complaint. Therefore, the Employer argues that he failed to file his claim within one year of the injury.

Citing *Gencarelle v. General Dynamics Corp*., 892 F.2d 173 (2nd Cir. 1989), the Employer asserts further that the Claimant's carpel tunnel syndrome is an accidental injury and is not an occupational disease governed by the limitation period in Section 13(b) of the Act. Emp. Mot. at 4. Section 13(b) permits claims for occupational disease to be filed "within two years after the employee or claimant becomes aware, or in the exercise of reasonable diligence or by reason of medical advice should have been aware, of the relationship between the employment, the disease, and the…disability". 892 F.2d at 177-178. In *Gencarelle*, the Second Circuit affirmed the decision of the Benefits Review Board that synovitus of the knee was an injury rather than an occupational disease. *Id.* The Employer argues that the Claimant's work with hand tools was not peculiar to his longshore employment and therefore as a matter of law under *Gencarelle* his mild carpel tunnel is not an occupational disease. Emp. Mot. at 5. The Employer contends that the applicable time limit is that found in Section 13(a) requiring a claim for injury to be filed within one year of the date of injury, and therefore the Claimant's claim is time-barred as it was not filed within that period. *Id.*

In contrast, the Claimant argues that his carpel tunnel syndrome is an occupational disease applying the three-pronged test set forth in *Gencarelle*. Cl. Obj. at 2-4. The three-pronged test requires that (1) the employee suffer from a disease; (2) hazardous conditions of employment must be the cause of the disease; and (3) the hazardous conditions must be "peculiar to" one's employment as opposed to other employment generally. *Gencarelle,* 892 F.2d at 176-178. The Claimant argues that the definition of occupational disease used by the Fifth Circuit in *LeBlanc v. Cooper/T. Smith Stevedoring, Inc*., 130 F.3d 157 (5th cir. 1997) as "any disease arising out of exposure to harmful conditions of employment, when those conditions are present in a peculiar or increased degree by comparison with employment generally" is appropriately applied here. Cl. Obj. at 3. The Claimant contends that both physicians agree that a portion of his impairment rating can be apportioned to his years of sheet metal work. *Id.* The Claimant argues that both physicians also agree that repetitive use of his hands can bring on this type of symptomology and thus he asserts that his carpel tunnel syndrome is a disease. *Id.*

The Claimant asserts that there is no dispute between the physicians that the repetitive functions he engaged in during his employment as a sheet metal worker contributed to his current condition. *Id.* Finally, the Claimant contends that the hazardous condition was peculiar to the Claimant's employment as a sheet metal worker. *Id.* The Claimant states that repetitive motions using his hands and arms, along with the use of power and hand tools are peculiar to sheet metal employment and therefore he argues his carpel tunnel is a disease. Cl. Obj. at 3-4. As an occupational disease he argues he has two years in which to file his claim. The Claimant

states he has satisfied the two year time limit for filing a claim for occupational disease under Section 13(b) as he filed his claim within one year of Dr. Meyer's report making him aware that his carpel tunnel syndrome was related to his years of sheet metal work. Cl. Obj. at 5.

The Claimant argues that should the Court determine that his condition is not an occupational disease, his claim is nevertheless timely under Section 912(a), even though he had symptoms for over twenty years, because the claim was filed within one year of the date he first saw Dr. Meyer on August 5, 2004 and received a diagnosis of carpel tunnel syndrome related to employment as a sheet metal worker. Cl. Obj. at 4-5.

In addition to the statute of limitations issue, the Employer also contends that it is entitled to summary decision on the merits, arguing that the Claimant has failed to establish that his carpel tunnel syndrome is related to his remote work at Electric Boat. Emp. Mot. at 6. The Employer states that Dr. Meyer's vague statements that the Claimant's symptoms were caused throughout his employment is not sufficient to establish a prima facie case against Electric Boat. *Id.* The Employer further states that even assuming the Claimant has established a prima facie case, the Employer has rebutted the presumption with Dr. Willetts' opinion that the Claimant's hand symptoms and his remote employment at Electric Boat cannot be causally linked. Thus, the Employer asserts that it has rebutted the presumption. *Id.* Finally, the Employer urges that after weighing all of the evidence on causation which includes the reports of the two physicians, the court should credit the opinion of Dr. Willetts over that of Dr. Meyer, as Dr. Meyer fails to provide an adequate basis for his opinion. *Id.* at 6-7. In contrast, the Employer argues that Dr. Willetts explains that the Claimant's short period of work at Electric Boat, approximately one year from 1977-1978, did not contribute to his current symptoms because the symptoms did not manifest themselves for almost twenty years after his work at Electric Boat and he continued to do similar sheet metal work for several other employers from the date he left Electric Boat in 1978 through the present time. Emp. Mot. at 6-7.

The Claimant did not address the Employer's argument regarding the merits of the causation issue. Instead, the Claimant merely stated that the motion for summary decision should be denied so the court can make a fully informed decision at a formal hearing concerning the merits of the claim. Cl. Obj. at 5-6.

III. Conclusions of Law

A. Timeliness

A motion for summary decision under the Longshore Act is governed by the regulations found at 29 C.F.R. §§ 18.40 and 18.41. Section 18.41 provides that summary decision may be entered "where no genuine issue of material fact is found to have been raised." With regard to the statute of limitations issue, the Claimant has not argued that there are facts in dispute and in fact he agrees with the facts as stated in the Employer's motion for summary decision. Thus there are no factual issues in dispute. The issue in dispute is whether the Claimant's carpel tunnel syndrome is the result of injury or occupational disease. The question of whether carpel

tunnel syndrome is an injury or occupational disease is a mixed question of fact and law, and since the parties agree on the facts the issue is appropriate for summary decision.

The Second Circuit considered the issue of occupational disease in *Gencarelle.* 892 F.2d 173. After considering the definition of occupational disease employed by Larson in *The Law of Workmen's Compensation*, §§ 41.00-41.32, the Second Circuit used a three part test for determining whether a condition was an occupational disease. The first prong requires the employee to show he suffers from a disease, meaning a "serious derangementof health or disordered state of an organism or organ." Larson, *supra* 41.42, at 7-408. Second a "hazardous condition" of employment must be the cause of the disease. *Gencarelle*, 892 F.2d at 177. As the Court noted "[t]raditionally, these hazardous conditions have been of an external, environmental nature such as asbestos, coal dust or radiation." Finally, the hazardous conditions must be "'peculiar to' one's employment as opposed to other employment generally." *Id*. The Court cautioned that "[i]t is…necessary not to extend the statute so as to make it a general health insurance, and to avoid this the coverage [for occupational disease] must be limited to diseases resulting from working conditions peculiar to the calling." *Id.* (citing *Grain Handling Co. v. Sweeney*, 102 F.2d 464, 465 (2d Cir. 1939), *cert. denied*, 308 U.S. 570 (1939).

Applying that test, the Second Circuit determined that the claimant's activities of bending, stooping, and squatting were not "peculiar to" his employment as a maintenance worker. *Id.* The Court commented that "[m]any occupations - blue collar and white collar alike - require repeated bending, stooping , squatting, or climbing." *Id.* Further, the Court noted that many non-occupational activities such as sweeping the floor or cleaning the bathroom require repeated stress on the knees and other joints. *Id.* The Court concluded that the claimant's activities "were common to many occupations and to life in general." *Id.* Accordingly, the Court held that the claimant's chronic knee synovitis was not the result of repetitive trauma and did not qualify as an occupational disease such that the two-year statute of limitation for occupational disease would apply. *Id.* at 177-178.

As the Claimant points out however, applying the three-pronged test set forth by the Second Circuit in *Gencarelle*, the Benefits Review Board (Board) determined that carpel tunnel syndrome was an occupational disease under the circumstances presented. *Carlisle v. Bunge Corp*., 33 BRBS 133 (1999) *aff'd, sub nom. Bunge Corp. v. Carlisle,* 227 F.3d 934 (7th Cir. 2000). In that case, the evidence established that the claimant developed carpel tunnel as a result of repeated use of a joystick at least three to four hours per day and occasionally eight hours per day over a ten year period to control and direct the movement of two large buckets used to unload barges and that this activity caused repetitive biomechanical stresses leading to carpel tunnel. In reaching this conclusion, the Board, affirming the administrative law judge's finding, noted that the judge properly analyzed the three-pronged test set forth in *Gencarelle* and applied the facts to that test. *Id.* at 136 The Board stated that based upon the claimant's testimony and the employer's description of the claimant's duties, the judge properly found that that the claimant's employment involved "harmful" repetitive hand and arm movements which were peculiar to his job as a river operator. *Id.* The judge also relied on the physician's statement that the claimant's use of joysticks required a "marked amount of flexion/extension, ulnar and radial flexion in alternating movements" and he found those activities contributed to the claimant's condition. *Id.* The judge found that a duty peculiar to the claimant's job was the "use of

joysticks or the bobcat lever." *Id.* at 137. Thus, the Board affirmed the judge's conclusion that the claimant's use of joysticks and bobcat levers for such a significant, continuous period of time was sufficiently "peculiar" and of an increased degree by comparison with employment generally to warrant a finding that the claimant's condition was an occupational disease. *Id.*

The Board's decision in *Carlisle* appears to signal an expansion of the definition of occupational disease to include repetitive trauma or repetitive motion type conditions. The Second Circuit recognized that Congress had not defined occupational disease for purposes of the Act but noted recent testimony before Congress suggesting that "repetitive motion or cumulative trauma disorders from chronic exposure of a particular body part to repeated biomechanical stress… [warrant] serious concern." *Gencarelle*, 892 F.2d at 176, citing *Hearings Before the Subcommittee on Employment and Housing of the House Comm. on Gov't Operations*, 101st Cong., 1st Sess. (June 6, 1989). The more traditional view and the view reflected in the legislative history for the 1984 amendments to the Longshore Act, used the phrase occupational disease to refer to conditions resulting from exposures to harmful or toxic substances in a particular workplace. H. R. REP. NO. 98-570, pt. I, at 11 (1983) reprinted in 1984 U.S.C.C.A.N. 2734, 2744, see also *LeBlanc v. Cooper/T. Smith Stevedoring Inc*., 130 F.3d 157, 160-161 (5th Cir. 1997). Nonetheless, I am bound to follow Board precedent in this regard.

Viewing the evidence in the present case in the light most favorable to the Claimant, the Claimant's duties as a sheet metal worker required him to cut, fit and form sheet metal using both hand and power tools including snips, hammers and pop rivet guns. Accepting the Claimant's statements to Dr. Meyer that his work involves forceful and repetitive use of hand tools and some use of vibratory tools, the doctor concluded that his carpel tunnel was the result of his work. The Claimant's statements to Dr. Willetts confirm that over the course of his work life as sheet metal worker his duties entailed the use of hand and electric tools and some vibration tools. I find that these tasks are sufficiently peculiar to his job as a sheet metal worker to warrant a finding that his carpel tunnel syndrome is an occupational disease.[3] Accordingly, the Claimant's claim was filed within one year of the date the Claimant was diagnosed with carpel tunnel and informed by Dr. Meyer that his condition was related to his employment. Accordingly, I find that the claim is timely.

B. Causation

As noted above, the Employer also seeks summary decision on the merits of the claim asserting that the Claimant's hand condition is not causally related to his approximately one-year period of employment at Electric Boat between 1977 and 1978. Emp. Mot. at 6-7. The Claimant does not dispute the Employer's statement of facts. Nor did the Claimant represent or make a proffer that there is additional evidence which would raise a question of fact on the causation

[3] I find that this case is distinguishable from *Gencarelle*. *Genercarelle* involved a maintenance employee who contended that his regular maintenance duties involving bending, stooping, etc. caused his chronic knee synovitis. 892 F.2d at 175. In rejecting this argument, the Court stated that his duties were not peculiar to his employment as many occupations require repeated bending stooping, squatting and climbing. *Id.* at 176. In contrast I have concluded that the Claimant's duties of repetitive use of the hands and hand tools were sufficiently peculiar to his employment to find that his carpel tunnel was an occupational disease.

issue. As there are no factual issues in dispute, the issue of causation is appropriate for summary decision in this case.

The analysis for evaluating causation is well settled. An individual seeking benefits under the Act must, as an initial matter, establish that he suffered an "accidental injury…arising out of and in the course of employment." 33 U.S.C. §902(2); *Bath Iron Works Corp. v. Brown*, 194 F.3d 1, 4 (1st Cir. 1999). In determining whether an injury arose out of and in the course of employment, the Claimant is assisted by Section 20(a) of the Act, which creates a presumption that a claim comes within its provisions. 33 U.S.C. §920(a). The Claimant establishes a prima facie case by proving that he suffered some harm or pain and that working conditions existed which could have caused the harm. *Brown*, 194 F.3d at 4, *Merrill v. Todd Pacific Shipyards Corp.,* 25 BRBS 140 (1991); *Murphy v. S.C.A./Shayne Brothers*, 7 BRBS 309 (1977) *aff'd mem*. 600 F.2d 280 (D.C.Cir. 1979); *Kelaita v. Triple A Mach. Shop*, 13 BRBS 326 (1981). In presenting his case, the Claimant is not required to introduce affirmative evidence that the working conditions in fact caused his harm; rather, the Claimant must show that working conditions existed which could have caused the harm. *U.S. Indus./Fed. Sheet Metal, Inc., v. Director, OWCP (Riley),* 455 U.S. 608 (1982). In establishing that an injury is work-related, the Claimant need not prove that the employment-related exposures were the predominant or sole cause of the injury. If the injury contributes to, combines with, or aggravates a pre-existing disease or underlying condition, the entire resulting disability is compensable. *Indep. Stevedore Co. v. O'Leary,* 357 F.2d 812 (9th Cir. 1966); *Rajotte v. General Dynamics Corp.,* 18 BRBS 85 (1986).

Once a claimant establishes a prima facie case, the claimant has invoked the presumption. The burden of proof then shifts to the employer to rebut it with substantial evidence proving the absence of or severing the connection between such harm and employment or working conditions. *Bath Iron Works Corp. v. Director, OWCP, (Shorette)*, 109 F.3d 53 (1st Cir. 1997); Merrill, 25 BRBS at 144; *Parsons Corp. of Cal. v. Director, OWCP,* 619 F.2d 38 (9th Cir. 1980); *Butler v. Dist. Parking Mgmt Co.*, 363 F. 2d 682 (D.C. Cir. 1966); *Kier v. Bethlehem Steel Corp.,* 16 BRBS 128 (1984). Under the substantial evidence standard, an employer need not establish another agency of causation to rebut the presumption; rather, it is sufficient if a physician unequivocally states to a reasonable degree of medical certainty that the harm suffered by the worker is not related to employment. *O'Kelley v. Dept. of the Army/NAF*, 34 BRBS 39, 41-42 (2000); *Kier,* 16 BRBS at 128. An employer may rebut the Section 20 presumption of causation by producing substantial evidence that the condition was caused by a subsequent, non-work related event. *James v. Pate Stevedoring Co*., 22 BRBS 271, 274 (1989).

If the presumption is rebutted, it no longer controls, and the administrative law judge must weigh all the evidence and render a decision supported by substantial evidence. *See Del Vecchio v. Bowers*, 196 U.S. 280 (1935); *Holmes v. Universal Maritime Serv. Corp.*, 29 BRBS 18 (1995); *Sprague v. Director, OWCP,* 688 F. 2d 862 (1st Cir. 1982).

In the present case, it is undisputed that the Claimant reported to both physicians that his employment over a twenty-five year period as a sheet metal worker included the repetitive use of both electric and hand tools as well as some occasional use of vibratory tools to cut, snip and fit the sheet metal. There is no dispute that the Claimant worked at Electric Boat for less than one

year from September 26, 1977 to August 20, 1978. The parties further agree that after leaving Electric Boat, the Claimant worked as a sheet metal worker for various non-maritime employers right up through the present. In 2004, the Claimant was diagnosed with mild carpel tunnel syndrome even though nerve conduction tests of both hands were negative for that disorder. Emp. Mot, Exhs, A, B, and C. Dr. Meyer states that the Claimant has a long history of occupational risk from the date he first apprenticed as a sheet metal worker and continuing to the present. Emp. Mot. Exh. A at 2. He opined that this work entails the forceful and repetitive use of hand tools, as well as some ongoing use of vibratory and power tools which over the course of the Claimant's working life have caused his mild carpel tunnel syndrome. *Id.* In light of the minimal burden placed upon claimants seeking to invoke the Section 20 presumption of causation, I find that the Claimant has successfully established that his carpel tunnel syndrome could be the result of his employment as a sheet metal worker at Electric Boat. Accordingly, I find that the Claimant has established a prima facie case.

The Employer argues that it has rebutted the presumption with the report from Dr. Willetts. In his August 2005 report, Dr. Willetts states that the Claimant recalled that he first noticed hand symptoms four or five years ago. This is largely consistent with the Claimant's statement to Dr. Meyer in August of 2004 that he first noticed numbness and pain in his hands and ulnar region over the last six to seven years. Dr. Willetts concluded, based upon the Claimant's statements to him and to Dr. Meyer that the Claimant's hand neuropathy did not manifest itself until the late 1990s. Noting that the Claimant worked at Electric Boat for a short period of time more than twenty years before he experienced any hand symptoms, and that the Claimant continued to work as a sheet metal worker for other employers performing repetitive hand motions using the same types of tools for the next twenty-five years, Dr. Willetts opined that the Claimant's current mild carpel tunnel syndrome and osteoarthritis were not the result of his work at Electric Boat in 1977 to 1978.

In addition, the evidence shows that the Claimant did not seek medical treatment for a hand condition until he saw Dr. Meyer in August 2004. Although Dr. Meyer's August 2004 report indicates the Claimant told Dr. Meyer that his hands have always hurt from the job from the beginning of his working life, I find that this statement is not credible as there is no evidence that the Claimant ever reported hand pain to Electric Boat or subsequent employers until the time he first consulted Dr. Meyer. Nor is there evidence that the Claimant sought medical treatment for a hand condition that he alleged "hurt" him his entire working life, either while he was working at Electric Boat, or during the 20 years after he left Electric Boat's employ and reported he first experienced numbness and pain in his hands. Thus, I conclude that the evidence establishes that the Claimant first experienced numbness and pain in his hands in 1997 or 1998. Accordingly, Dr. Willetts' opinion that the Claimant's work at Electric Boat for a brief period some twenty years before his first hand symptoms, and in the face of his performing similar work for subsequent employers for twenty plus years, did not cause or contribute to his current carpel tunnel syndrome is sufficient to break the chain of causation. I find that the Employer has rebutted the presumption.

I must now weigh all of the evidence. The two experts have presented opposing opinions and it is necessary for me to determine which opinion is more credible. As noted, the two physicians agree that the Claimant has mild carpel tunnel syndrome. Dr. Willets also diagnosed

osteoarthritis of the hands. The physicians disagree on the issue of whether the Claimant's employment at Electric Boat twenty years before his first symptoms of hand numbness or pain caused or contributed to his carpel tunnel syndrome. Dr. Meyer states that he attributes the Claimant's hand condition to his twenty-seven year work history in sheet metal. Cl. Obj., Exh. B June 9, 2005 report. Dr. Meyer does not provide any explanation for this view. Nor does he offer an explanation for attributing the Claimant's carpel tunnel to his short work period at Electric Boat some twenty years prior to his first symptoms of numbness and pain. This failure is particularly critical because the Claimant admits that he continued to work as a sheet metal worker for subsequent employers, performing the same tasks he had performed at Electric Boat, for at least twenty years before he first experienced hand symptoms of numbness and pain. In contrast, as discussed above, Dr. Willetts opines that the Claimant's current carpel tunnel syndrome is not related to his remote and short period of employment at Electric Boat some twenty years or more prior to his first symptom. As Dr. Willetts commented, after leaving Electric Boat at which time he had no hand condition, the Claimant continued to work as a sheet metal worker for various employers out of the local union hall, performing repetitive hand work and using hand and electrical tools, for a period of over twenty years before he first experienced symptoms and for over 25 years before he ever sought medical attention from Dr. Meyer in August 2004 for a hand condition. Thus, Dr. Willetts stated that neither medicine nor common logic supported a conclusion that the current hand condition was related to employment at Electric Boat. In addition, both physicians have indicated that the Claimant's carpel tunnel is mild and that nerve conduction studies, the test generally used for diagnosing carpel tunnel, are negative. Under the circumstances presented, I find Dr. Willetts' opinion more credible as he considered the Claimant's remote work history at Electric Boat in the proper time context, addressed his post-Electric Boat employment and the gap between his Electric Boat work and the onset of hand symptoms in the late 1990s. Dr. Meyer did not discuss any of these factors. Instead he simply concluded, without explanation, that the Claimant's entire work history contributed to his current carpel tunnel syndrome. Dr Meyer failed to provide a rationale for the lack of symptoms of numbness and pain until some twenty years after the Claimant last worked at Electric Boat. Thus, I credit Dr. Willetts' opinion over that of Dr. Meyer and I find that the Claimant failed to establish by a preponderance of the evidence that his current carpel tunnel syndrome was caused or contributed to by his short and very remote period of employment at Electric Boat in 1978. Accordingly, the Employer's motion for summary decision is **GRANTED** and the claim is denied.

SO ORDERED.

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COLLEEN A. GERAGHTY
Administrative Law Judge

Boston, Massachusetts